

FILE COPY

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

GLORIA Y. HOOPER,
RESPONDENT.

FINAL DECISION
AND ORDER

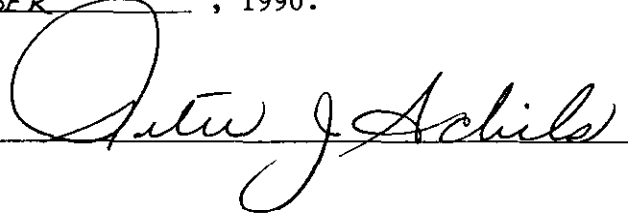
The State of Wisconsin, Real Estate Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Real Estate Board.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 25TH day of OCTOBER, 1990.



2. The Wisconsin Department of Industry, Labor and Human Relations ("DILHR") issued Hooper a rental unit energy efficiency inspection certificate ("Certificate").

3. On July 10, 1987, DILHR filed a complaint against Hooper to revoke her Certificate.

4. In his Decision dated October 19, 1987, Administrative Law Judge Charles Lund found that Hooper had intentionally issued certificates of compliance for 13 properties which were in fact deficient in satisfying energy efficiency requirements, and had engaged in negligence, incompetence or misconduct in the discharge of her duties required under Chapters 67 and 68, Wisconsin Administrative Code, within the meaning of section 68.12 of the Wisconsin Administrative Code, and ordered that her Certificate be revoked.

5. The circumstances of the revocation alleged in paragraph 4 above, which involved 13 separate instances of improper certification of compliance with energy efficiency requirements, substantially relate to the practice of real estate.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to sec. 452.14, Wis. Stats.

2. The Respondent Gloria Y. Hooper has violated:

a. Sec. 452.14(3)(k), Wis. Stats., by her being guilty of conduct which constitutes improper, fraudulent or dishonest dealing.

b. Sec. RL 24.17(1) Wis. Adm. Code, by her violation of any law, the circumstances of which substantially relate to the practices of a real estate broker.

c. Sec. RL 24.01(3), Wis. Adm. Code, by virtue of the violations of Chapter 24, Wis. Adm. Code and, thereby has demonstrated incompetency to act as a broker or salesperson in such a manner as to safeguard the interests of the public under sec. 452.14(3)(i), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that the real estate broker's license issued to the Respondent Gloria Y. Hooper be, and hereby is, SUSPENDED for Ninety (90) days, effective 10 days from the date of this Order.

IT IS FURTHER ORDERED that Respondent pay the assessable costs of this proceeding, pursuant to s. 440.22(2), Wis. Stats.

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Real Estate Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Real Estate Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Real Estate Board.

The date of mailing of this decision is October 29, 1990.

WLD:dms
886-490